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C. Healion

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2631

Applicant : Thuji Simon Lin, et al.
Application No. : 10/045,283
Filed : October 18, 2001
Title : CONSTELLATION-MULTIPLEXED
TRANSMITTER AND RECEIVER
Grp./Div. : Not Assigned
Examiner : Not Assigned
Docket No. : 47450/RJP/B600

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INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231
Commissioner:

Post Office Box 7068
Pasadena, CA 91109-7068
February 4, 2002

In compliance with the duty of disclosure under 37 CFR §§ 1.56, 1.97 and 1.98, enclosed is FORM PTO-1449. It is respectfully requested that the references listed be considered in the examination of this application.

The Applicants are submitting this Information Disclosure Statement (IDS) to:

(1) cite prior art from the parent application 09/430,466 whose priority benefit is being claimed under 35 USC §120; and

(2) bring to the Examiner's attention the Applicants' position regarding the present Continuation-In-Part (C-I-P) application.

The C-I-P patent application was filed during the pendency of parent application 09/430,466. In the parent application's Final office action dated April 19, 2001, the Examiner contended that the claims as amended by the Applicants on February 1, 2001 in response to an office action dated August 1, 2000 were based upon new matter to be entered by amendment into the specification by the Applicants.

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The Applicants submit that the claim, specification and drawing amendments in the parent application were supported by the content in the specification and drawings as originally filed and should not be considered new matter. In particular,:

(1) the concepts associated with "selectable predetermined integer number of data bits" are found throughout the parent specification and this combined phraseology was added for supplemental understanding; and

(2) the three added examples merely illustrate the achievement of specific desired data bit rates. Those skilled in the art would find the examples supported by the content and drawings of the application as originally filed and should thereby be considered inherent.

Similarly, the Applicants submit that the present C-I-P application, which includes the claim, specification and drawing amendments filed in response to the office action in the parent application, likewise does not add new matter. Accordingly, the Applicants believe that the effective filing date of the entire content of the C-I-P application reverts back to the earliest priority date claimed in the parent application (provisional application 60/106,481 filed on October 30, 1998) and not be merely allotted the C-I-P filing date of October 18, 2001 as the effective filing date.

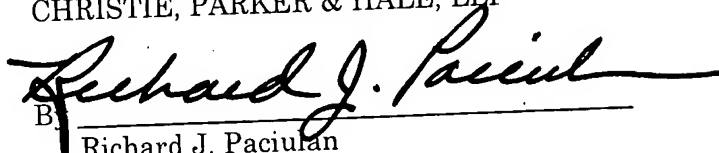
Included in the IDS documents listed herewith is:

(1) International Publication WO 00/27085 published on May 11, 2000 (copy enclosed) for PCT application US99/25363 which is a counterpart application to the above-mentioned parent application. The Applicants, however, submit that the published PCT application should not be deemed to be material prior art to the C-I-P application and its inclusion in the IDS herewith is merely to bring its existence to the Examiner's attention.

(2) An Application Specification Compare Copy showing the differences between parent application 09/430,466 and C-I-P application 10/045,283.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP


B Richard J. Paciulan
Reg. No. 28,248
626/795-9900

RJP/cah

Enclosure(s): Form PTO-1449 (w/references)

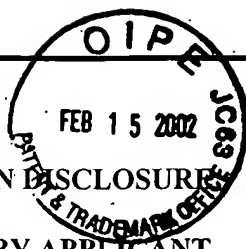
Copy of International Publication WO 00/27085

Application Specification Compare Copy

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)



Attorney Docket Number	47450/RJP/B600
Application Number	10/045,283
Filing Date	October 18, 2001
Applicant(s)	Thuji Simon Lin, et al.
Group Art Unit	Not assigned
Examiner Name	Not assigned

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U.S. PATENT DOCUMENTS

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EXAMINER INITIALS	DOCUMENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,891,806	01/1990	Farias et al.	370	110.1	
	5,119,403	06/1992	Krishnan	375	39	
	5,185,763	02/1993	Krishnan	375	39	
	5,222,077	06/1993	Krishnan	375	39	
	5,442,626	08/1995	Wei	370	20	
	5,541,955	07/1996	Jacobsmeier	375	222	
	5,598,435	01/1997	Williams	375	261	
	5,790,570	08/1998	Heegard et al.	371	37.4	
	5,859,877	01/1999	Betts et al.	375	298	
	6,005,897	12/1999	McCallister et al.	375	340	

FOREIGN PATENT DOCUMENTS

EXAMINER INITIALS	DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	WO 00/27085	05/2000	WIPO			X	
	0 490 551 A2	06/1992	EPO			X	

OTHER DOCUMENTS

EXAMINER INITIALS	Include name of the author (in CAPITAL LETTERS), title of the article, title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	WILLIAM WEBB and LAJOS HANZO, Chapter 13, "Variable Rate QAM [1]," <i>Modern Quadrature Amplitude Modulation, Principles and Applications for Fixed and Wireless Communications</i> , 1994, pp. 384-405, IEEE Press, New York.
	Application Specification Compare Copy showing differences between parent Appln. No. 09/430,466 and CIP Appln. No. 10/045,283.

EXAMINER SIGNATURE	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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